Attorney Docket No. 14825US02 **PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Jeyhan Karaoguz	Examiner:	Melvin H. Pollack
Application No.	10/675,443	Art Unit:	2445
Filed:	September 30, 2003	Conf. No.	5634

For: **SERVER ARCHITECTURE SUPPORTING A PERSONAL MEDIA EXCHANGE NETWORK**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

This request is being filed with a Notice of Appeal, and in view of the Final Office Action dated November 25, 2009, and the Advisory Action dated February 19, 2010. The review is being requested for the reasons stated below:

The present application includes pending claims 1-30. Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dynarski et al. (U.S. Patent 6,272,129), hereinafter Dynarski, in view of West et al. (U.S. Patent 6,934,754), hereinafter West.

The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and the following remarks:

I. The Proposed Combination of Dynarski and West Does Not Render Claims 1-30 Unpatentable

A. Rejection of Independent Claim 1

The Examiner states the following regarding claims 1, 11, and 21:

> Dynarski teaches a method and system (abstract) for setting up devices for communication (col. 1, line 1 - col. 3, lines 35), the method comprising:
>
> a. in a communication network (col. 4, lines 34-45) comprising a headend, wherein said headend enables access to said communication network for at least a first device (Fig. 1, #22, home agent),
>
> b. assigning, by said headend, an address to said first device coupled to said communication network (Fig. 1, #14), wherein said address is associated with said first device in

> said communication network at a time of said assigning (col. 5, lines 3-62); and
>
> c. in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network (col. 6, line 55 – col. 8, line 50).

See Final Office Action at page 3. The Applicant respectfully disagrees.

The Applicant maintains, at least for the reasons provided before, that Dynarski fails to disclose, teach, or suggest "assigning, by said headend, an address to said first device coupled to said communication network," as recited in the Applicant's claim 1. The Applicant further submits that Dynarski fails to disclose, teach, or suggest "in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network," which is also recited in the Applicant's claim 1.

In this regard, Dynarksi states the following:

> The problem arises in how to route the IP packet from the terminal 10 (or 24) to the destination device, particularly where the home agent does not have any information as to where the device 14 is located. For example, the home agent 22 may not have a mobility binding record or other data from which an IP address is assigned to the device 14 which can be used to route the IP packet to the laptop 14. This situation may occur if the device has not been active in recent past, has moved into or out of the area, etc.
>
> The authentication server 28, in a preferred embodiment, comprises a RADIUS server (a known device) providing accounting, authorization and authentication functions for a plurality of mobile users 14 and 16. Among other things, the authentication server 28 maintains a table in memory that maps a destination IP address found in the IP packet from the remote terminal 10 or 24 destined for the wireless device 14 with information uniquely identifying the device 14 that is being "called" by the remote terminal, such as the IMSI/ESN number assigned to the wireless device 14. In a preferred embodiment, the authentication server 28 determines from the IP address or IMSI or ESN number a particular network to use to locate the device, such as the local area network 26 or the Signaling System 7 network 36. The authentication server 28 returns a vendor-specific attribute which informs

> the home agent 22 whether to use the LAN 26 or the SS7 network to find the mobile device 14.

See Figure 1A and column 5, lines 19-27 and lines 45-61 of Dynarski. Dynarski further states the following:

> The home agent then transmits an Access-Request message to the authentication server for authentication. An example of such an authentication server is a RADIUS server (a known device) providing accounting, authorization and authentication functions for a plurality of mobile users. The Access-Request message includes a destination IP address for the wireless device that was included in the IP packet from the terminal on the network.
>
> The authentication server responsively issues an Access-Accept message to the home agent if the device is authorized to receive the IP packet, in other words, if the user operating the device has paid its bills, is a subscriber to the service, etc. The Access-Accept message includes two pieces of data: (a) information uniquely identifying the device that is being "called" by the remote terminal, such as the IMSI/ESN number of the device, and (b) information identifying a particular network to use to locate the device, such as the local area network or the Signaling System 7 network.
>
> In the event that the local area network is specified, the home agent transmits a message, such as an Address Resolution Protocol (ARP) packet containing the IMSI/ESN number or other information uniquely identifying the device, on the designated network to a mobile node location server.

See id. at column 2, line 54 – column 3, line 9.

Therefore, Dynarski discloses having a home agent communicate with an authenticating server to determine the location of a wireless device with which a remote terminal is trying to communicate. *See* above. The home agent sends an Access-Request message with the destination IP address to the authentication server and the authentication server may return, to the home agent, an Access-Accept message with unique identifying information of the wireless device and the particular network in which it may be located. *See id.* While Dynarski discloses that the home agent sends a message to a mobile node location server with information that uniquely identifies the wireless device, such action is not in response to the wireless device providing the uniquely identifying information to the home agent. Instead, sending a message to the mobile node location server occurs after the uniquely identifying information is provided to the home agent by the authentication server. Thus, the Applicant respectfully

submits that Dynarski fails to disclose, teach, or suggest "in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network," as recited in the Applicant's claim 1. In other words, the home agent 22, which the Examiner equates to the "headend" recited in claim 1 (*see* Final Office Action at page 3), does not receive an identifier of the wireless device 14 from the wireless device 14, which the Examiner equates to the "first device" recited in claim 1 (*see* id.).

The Examiner concedes, and the Applicant agrees, that Dynarski fails to disclose that the address is associated with the first device in the communication network at a time of the assigning and the transferring, by the headend, of the assigned address to the device. *See* Final Office Action at page 4. The Examiner contends, however, that West overcomes those deficiencies in Dynarski and that, at the time the invention was made, one of ordinary skill in the art would add West to Dynarski to improve address management. *See* Final Office Action at page 4.

The Applicant respectfully submits that even if one were to combine West and Dynarski as suggested by the Examiner, the propriety of which the Applicant does not concede, the proposed combination still fails to overcome the deficiencies stated above with respect to Dynarski.

For example, West discloses methods and apparatus to make use of existing hotel wiring infrastructures. *See* column 2, lines 61-64 of West. In Figure 1, West discloses a head-end module (HEM) 124 connected to multiple in-room modules (IRM) 104 located in guest rooms 102 with a guest's telephone 106 and/or laptop 108 connected to the respective IRM 104. When a guest wishes to connect to the Internet, the HEM 124 or the IRM 104 may assign a network IP address to the guest's device or may translate the device's internal IP address if it already has one. *See* id. at column 5, line 50 – column 6, line 4. The network IP address may be temporarily associated with a globally unique IP address at the HEM 124. *See* column 6, lines 23-42. When the Internet transaction is complete, the globally unique IP address is disassociated and made available for subsequent transactions from any other hotel room and network IP address remains associated with the guest's device until the session ends. *See id.*

West, however, does not disclose, teach, or suggest "transferring, by said headend, said assigned address to said first device" and "in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network," as recited in the Applicant's claim 1. In West, assigning an IP address to a device without an internal IP address and translating the internal IP address of a device are mutually exclusive operations. Thus, based on the teachings of West, one cannot have the HEM 124 assign an IP address to a guest device and also receive the internal IP address from that same device such that one or both of the assigned IP address and the received internal IP address may be communicated to a server by the HEM 124.

Therefore, the Applicant respectfully submits that neither Dynarski nor West, alone or in combination, discloses, teaches, or suggests, the subject matter recited in

claim 1, and thus, claim 1 is allowable. Consequently, the Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of independent claim 1.

B. Rejection of Independent Claims 11 and 21

Because independent claims 11 and 21 are similar in many aspects to claim 1, the Applicant respectfully submits that independent claims 11 and 21 are also allowable over the references cited at least for the reasons stated above with respect to claim 1. Consequently, the Applicant respectfully requests that the rejection of independent claims 11 and 21 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of independent claims 11 and 21.

C. Rejection of Dependent Claims 2-10, 12-20, and 22-30

Claims 2-10, 12-20, and 22-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable. Therefore, the Applicant respectfully requests that the rejection of claims 2-10, 12-20, and 22-30 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of dependent claims 2-10, 12-20, and 22-30.

CONCLUSION

The Applicant respectfully submits that claims 1-30 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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